



06 SEP 2002

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In re Application of	:	
Kivisto	:	
Application No.: 09/980436	:	DECISION ON
PCT No.: PCT/FI00/00480	:	
Int. Filing Date: 30 May 2000	:	PETITION UNDER
Priority Date: 17 June 1999	:	
Attorney Docket No.: OUTO 2368	:	37 CFR 1.10(e)
For: Element For Separating An Electrolytic Tank	:	

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.10(e)" filed on 06 June 2002.

BACKGROUND

On 03 May 2002, a Decision was mailed to applicant, dismissing a petition filed on 28 February 2002 on the basis, in part, that the submission was not in compliance with 37 CFR 1.10(e).

Applicant filed the instant renewed petition on 06 June 2002.

DISCUSSION

37 CFR 1.10(e) provides that

Any person mailing correspondence addressed as set out in §1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;*
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and*
- (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, and a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested*

filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

Review of the record of the present application reveals that requirement (1) has been satisfied.

Regarding requirement (2), Express Mail mailing label number EL888470666US appears on the "Transmittal of Declaration" filed on 28 February 2002 as a copy of correspondence alleged to have been filed originally on 04 January 2002. Therefore, requirement (2) is satisfied.

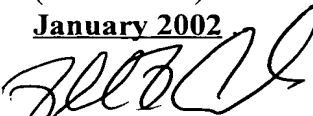
Concerning requirement (3), the petition is accompanied by a copy of Express Mail mailing label number EL888470666US, which shows a "Date In" of "01 04 02" and bears a USPS plug stamp dated "JAN 4 2002." Accordingly, requirement 3 is satisfied.

With respect to requirement (4), the petition includes a satisfactory statement that the "copy of the TRANSMITTAL OF DECLARATION and DECLARATION FOR PATENT APPLICATION that were included in the correspondence filed on 28 February 2002 are true copies of the papers that were filed by Express Mail on 04 January 2002." Therefore, requirement (4) is satisfied.

DECISION

The petition under 37 CFR 1.10(e) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The date of this application under 35 U.S.C. 371 is **04 January 2002**



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